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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RAFAEL GUZMAN-CAMACHO,)
)
Defendant.)

No. 3-06-70165 BZ

~~PROPOSED~~ ORDER AND STIPULATION
WAIVING TIME UNDER RULE 5.1 AND
EXCLUDING TIME FROM MAY 3, 2006
TO MAY 25, 2006 FROM THE SPEEDY
TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Court on May 3, 2006. With the agreement of the parties, and with the consent of the defendant, the Court enters this order (1) scheduling a new preliminary hearing/arraignment date of May 25, 2006 at 9:30 a.m., before the Honorable Elizabeth D. Laporte; (2) documenting the defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; and (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from May 3, 2006 to May 25, 2006. The parties agreed, and the Court found and held, as follows:

1. The defendant waived the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Failure to grant the requested continuance would unreasonably deny the defense reasonable time necessary for effective preparation, taking into account the exercise of

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due diligence, and would deny the defendant continuity of counsel.

2. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case before the currently scheduled preliminary hearing/arraignment date.

3. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny both government and defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for both sides to investigate the facts of the case, and would deny the defendant and the government continuity of counsel.

4. Given these circumstances, the Court found that the ends of justice served by excluding the period from May 3, 2006 to May 25, 2006, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court ordered that the period from May 3, 2006 to May 25, 2006, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The Court scheduled a new preliminary hearing/arraignment date of May 25, 2006, at 9:30 a.m., before the Honorable Elizabeth D. Laporte.

IT IS SO STIPULATED.

DATED: _____

/S/
TRACIE L. BROWN
Assistant United States Attorney

DATED: _____

/S/
RONALD TYLER
Attorney for Rafael Guzman-Camacho

IT IS SO ORDERED.

DATED: May 10, 2006

